

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

AETNA LIFE INSURANCE COMPANY *

Plaintiff *

V. *

No. 3-14-CV-00347-M-BF

METHODIST HOSPITALS OF DALLAS *
AND TEXAS HEALTH RESOURCES *

Defendants *

DEFENDANTS' MOTION FOR LEAVE TO FILE
DECLARATION OF WILLIAM J. MAIBERGER, JR. IN SUPPORT OF
DEFENDANTS' SUPPLEMENTAL BRIEF CONCERNING
JOINT RULE 12(b)(7) MOTION TO DISMISS

OF COUNSEL:

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DEFENDANTS METHODIST
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TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to the Court's instructions, Defendants Methodist Hospitals of Dallas and Texas Health Resources have prepared their Supplemental Brief Concerning Joint Rule 12(b)(7) Motion to Dismiss. In their supplemental brief, Defendants rely upon the Declaration of William J. Maiberger, Jr. and the exhibits appended to it, including excerpts from the depositions of Aetna employees David Roberts and Robyn Consiglio; excerpts of explanations of benefits ("EOB's") at issue in this litigation; and Defendant Aetna Health Inc.'s Original Answer in *Texas Health Resources v. Aetna Health Inc.*, Cause No. 17-269305-13, in the District Court of Tarrant County, Texas, 17th Judicial District.

Pursuant to the Court's December 11, 2014 order, Defendants now seek leave to file an additional appendix containing only the above-referenced documents. Counsel for Defendants has attempted to confer with counsel for Plaintiff regarding the filing of this Motion, but has been unable to reach Plaintiff's counsel.

A proposed order granting Defendants' Motion has been submitted with this Motion.

WHEREFORE, PREMISES CONSIDERED, Defendants, Methodist Hospitals of Dallas and Texas Health Resources, respectfully request that the Court enter an order granting Defendants leave to file an additional appendix.

Dated: December 18, 2014

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I hereby certify that on December 18, 2014, Defendants' counsel attempted to confer with counsel for Plaintiff, Aetna Life Insurance Company, about the contents of this motion, but was unable to reach Plaintiff's counsel.

By: /s/ Mikal C. Watts
ATTORNEY-IN-CHARGE FOR
DEFENDANTS METHODIST
HOSPITALS OF DALLAS AND
TEXAS HEALTH RESOURCES

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served electronically on this 18th day of December, 2014 to:

ATTORNEYS FOR PLAINTIFF

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